10

S.B. CIVIL MISC. APPEAL NO.504/2007.
Smt. Shanti & Anr. Vs. Rameshwar Lal & Ors.

Date of Order :: 6th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Pradeep Choudhary, for the appellants.

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BY THE COURT:

For awarding compensation to the parents of the 20 years old vehicular accident victim Sahiram, said to be studying in Second Year of three years graduation course, the Tribunal has taken his notional income at Rs.15,000/- per annum and with application of multiplier of 16, has assessed the loss for the claimants at Rs.2,40,000/- and after adjustment of Rs.50,000/- received under No Fault Liability, has allowed interest on the remaining amount of Rs.1,90,000/- @ 7.5% per annum from the date of filing of the claim application.

The claimants seek enhancement over the amount so awarded by the Tribunal in this appeal.

Having heard learned counsel for the appellants and having examined the impugned award, this Court is clearly of opinion that the ultimate award made by the Tribunal is itself rather on the higher side. The deceased was an unmarried

person at about 20 years in age and in relation to his parents about 40-42 years in age, the Tribunal has proceeded to take the entire of the notional income of Rs.15,000/- for the purpose of considering loss for the claimants. When examined in the context of future likelihood of the unmarried person getting married and a larger part of his income getting diverted to his own family, the assessment so made by the Tribunal could only be said to be standing much on the higher side. Of course, the Tribunal has not quantified separate compensation on non-pecuniary loss but ultimate amount allowed by the Tribunal at Rs.2,40,000/- itself stands much on the higher side than that of just compensation admissible in this case. The Tribunal has not even restricted on the rate of interest and has allowed the same at the rate of 7.5% per annum from the date of filing of the claim application.

In the ultimate analysis, the award made by the Tribunal rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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